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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ABANTE ROOTER AND PLUMBING,
INC., individually and on behalf of all others
similarly situated,

Plaintiff,

v.

TOTAL MERCHANT SERVICES, LLC, a
Delaware limited liability company,

Defendant.

Case No. 3:19-cv-05711-EMC

**DECLARATION OF PATRICK H.
PELUSO IN SUPPORT OF
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL**

Judge: Hon. Edward M. Chen
Courtroom: 5
Complaint Filed: September 11, 2019

I, Patrick Peluso, on oath declare as follows:

1. I am one of the attorneys for Plaintiff Abante Rooter and Plumbing, Inc. (“Plaintiff”) and the alleged Class in the above-captioned action. I am over the age of 18 and can competently testify to the matters set forth herein if called to do so.

2. I submit this declaration in support of Plaintiff’s Administrative Motion to File Under Seal, pursuant to Local Rules 79-5 and 7-11.

3. Plaintiff’s Motion for Class Certification (the “Motion”) discusses documents and testimony that Defendant Total Merchant Services, LLC (“Defendant”) has designated as

confidential pursuant to the stipulated protective order entered in this case (dkt. 42). Therefore, Plaintiff is filing portions of this document under seal in compliance with the protective order.

4. Plaintiff also submits Exhibit B in support of Plaintiff's Motion, which contains documents that TMS has designated as confidential pursuant to the stipulated protective order. Plaintiff is therefore filing the documents under seal in compliance with the protective order.

5. Plaintiff also submits Exhibit C in support of Plaintiff's Motion, which contains documents that TMS has designated as confidential pursuant to the stipulated protective order. Plaintiff is therefore filing the documents under seal in compliance with the protective order.

6. In compliance with L.R. 79-5(d)(1)(D), Plaintiff also submits unredacted versions of the following documents requested to be sealed

Document	Portion Designated Confidential
Plaintiff's Motion for Class Certification	Page 3 lines 5-9, 12-14, 20-26; page 4 lines 1-2, 5-6, 8-9, 14-15; and page 15 lines 2-9
Exhibit B in support of Plaintiff's Motion for Class Certification	Entire Document
Exhibit C in support of Plaintiff's Motion for Class Certification	Entire Document

Further affiant sayeth not.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed in the State of Colorado, on April 12, 2021.

By: /s/ Patrick H. Peluso

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